

PLANNING BOARD MINUTES

APRIL 9, 2014

Town Council Chambers, 350 East Main Rd., Middletown, RI

Board members present:

Gladys Lavine, Chair

Pete Marnane, Vice Chair Ron Wolanski, Planning Director

Betty Jane Owen, Secretary Michael Miller, Town Solicitor

Matthew Sullivan

John Ciummo

Arthur Weber

Charlene Rose-Cirillo

The meeting was called to order by Ms. Lavine at 6:00pm.

1. Approval of the minutes of the March 12, 2014 regular Planning Board meeting, and the special meeting of March 31, 2014.

Motion by Ms. Owen, seconded by Mr. Weber, to approve the minutes of the March 12, 2014 regular Planning Board meeting and the March 31, 2014 special meetings. Vote: 7-0-0.

2. Correspondence

a. Memo of the Town Planner dated March 14, 2014 regarding approval of administrative subdivision: Bancroft Partners, LLC, John W. & Emily S. Bagwill, Bass Rocks at Bancroft, LLC, Bancroft on the Bluffs Condominium Association - Administrative Subdivision

application, Assessor's Plat 122, Lots 122, 123, 124, 12700

b. Memo of the Town Planner dated April 2, 2014 regarding approval of subdivision: Sarah Cavanagh & William Casey, Final approval, 4-lot minor subdivision of property located a 47 Kane Ave. Plat 122, Lot 91. Motion by Mr. Marnane, seconded by Ms. Owen, to accept the correspondence. Vote: 7-0-0.

3. Public Hearing - George Warren, et. al., Request for combined Master and Preliminary Plan approval for a proposed 2-lot major subdivision of property located a 514 Paradise Ave., Plat 127, Lot 2. Mr. Miller recused himself from discussion of this item.

The applicant was not present. Mr. Wolanski stated that, at the request of an abutter's attorney, the applicant has contacted him and is requesting a continuance to the May 14, 2014 meeting.

Motion by Ms. Owen, seconded by Ms. Cirillo, to continue the matter to the May 14, 2014 Planning Board meeting at 6pm. Vote: 7-0-0.

4. Consideration of application - George Warren, et. al., Request for combined Master and Preliminary Plan approval for a proposed 2-lot major subdivision of property located a 514 Paradise Ave. Plat 127, Lot 2.

Motion by Ms. Owen, seconded by Ms. Cirillo, to continue the matter to the May 14, 2014 Planning Board meeting at 6pm. Vote: 7-0-0.

5. Public Hearing - Seaview Inn, LLC, development plan review and request for combined master plan and preliminary plan review of a major land development project for a proposed 198 room hotel and suites on property fronting on Aquidneck Ave, Valley Rd., and John

Clarke Rd., Assessor's Plat 115, Lots 1x, 5, 53, 54, 55.

Mr. Wolanski stated that the Planning Board, during the March 9th meeting, had voted to combine the public hearings for the development plan review application and the land development plan application. The hearing remains open.

The applicant was represented by attorney Andrew Thomas. Mr. Thomas stated that since the last meeting revisions have been made to the landscaping plan. He introduced landscape architect George Gifford.

Mr. Gifford described the waiver that is requested regarding tree placement. The required number of trees is provided. He address the comment of the Tree Commission regarding tree species selection. He stated that the pear and crabapple trees have been replaced with more hearty species. Also, trees have been added along the John Clarke Rd. frontage.

Ms. Lavine asked about site access.

The applicant's engineer, Lyn Small of Northeast Engineers and Consultants, described the vehicular access to the site.

Mr. Marnane asked about pedestrian access.

Ms. Small stated that the plans will be revised to include pedestrian access to Valley Rd.

Ms. Lavine asked if anyone in the audience wished to speak. There was no one wishing to speak.

Motion by Mr. Marnane, seconded by Ms. Owen, to close the public hearing. Vote: 7-0-0.

6. Consideration of application - Seaview Inn, LLC, development plan review for proposed 198 room hotel and suites on property fronting on Aquidneck Ave, Valley Rd., and John Clarke Rd., Assessor's Plat 115, Lots 1x, 5, 53, 54, 55.

Motion by Mr. Marnane, seconded by Mr. Weber, to grant the requested waiver and forward a positive recommendation to the Zoning Board of Review, subject to the following conditions:

1. Prior to the issuance of town permits, an administrative subdivision application must be submitted and approved to merge the parcels comprising the subject property.

2. Prior to the issuance of town building permits, review and approval of the final revised storm water management plan and calculations must be completed by the town engineer for conformance with town regulations.

3. The plans must be revised to include a storm water drainage easement for runoff entering the site from John Clarke Rd.

4. The plans must be revised to show the path of drainage downstream from the site, including the culvert which conveys drainage under Valley Road.

5. The design of the proposed sewage holding tank and the number and location of connections to the town sewer system are subject to the approval of the Director of Public Works prior to the issuance of building permits.

6. Required maintenance of storm water treatment facilities and sewer lines/tanks shall be performed on an ongoing basis in accordance with the storm water management plan and requirements of the

Department of Public Works. Prior to issuance of building permits, storm water and sewer maintenance easements, in a form acceptable to the Town Solicitor, shall be recorded in the Land Evidence Records. Said easements shall allow town access to the site to perform necessary maintenance of the facilities should the owner fail to do so, with the owner being responsible for the cost of such work.

7. An existing fire hydrant on the property must be relocated in order to accommodate the development, and an additional hydrant must be provided on the property, with hydrant locations to be subject to approval of the Fire Department.

8. Approval is subject to the granting of the required special use permit by the Zoning Board of Review to allow for development in Zone 1 of the Watershed Protection District.

9. The applicant must secure required state permits prior to the issuance of building permits.

10. To comply with section 521.1.B of the subdivision and land development regulations the plans shall be revised to provide pedestrian access to the site.

11. To comply with section 521.3.C of the subdivision and land development regulations the landscaping plan shall be revised to provide screening elements along property lines.

Waiver granted from the provisions of Section 521.3.F of the subdivision and land development regulations: The required street trees and parking lot trees are not located in accordance with the location and spacing requirements.

Vote: 7-0-0.

7. Consideration of application - Seaview Inn, LLC, request for combined master plan and preliminary plan review of a major land development project for proposed 198 room hotel and suites on property fronting on Aquidneck Ave, Valley Rd., and John Clarke Rd., Assessor's Plat 115, Lots 1x, 5, 53, 54, 55.

Motion by Mr. Weber, seconded by Ms. Owen, to grant combined master and preliminary plan approval subject to the following conditions and findings:

- 1. Prior to the issuance of town permits, an administrative subdivision application must be submitted and approved to merge the parcels comprising the subject property.**
- 2. Prior to the issuance of town building permits, review and approval of the final revised storm water management plan and calculations must be completed by the town engineer for conformance with town regulations.**
- 3. The plans must be revised to include a storm water drainage easement for runoff entering the site from John Clarke Rd.**
- 4. The plans must be revised to show the path of drainage downstream from the site, including the culvert which conveys drainage under Valley Road.**
- 5. The design of the proposed sewage holding tank and the number and location of connections to the town sewer system are subject to the approval of the Director of Public Works prior to the issuance of building permits.**
- 6. Required maintenance of storm water treatment facilities and sewer**

lines/tanks shall be performed on an ongoing basis in accordance with the storm water management plan and requirements of the Department of Public Works. Prior to issuance of building permits, storm water and sewer maintenance easements, in a form acceptable to the Town Solicitor, shall be recorded in the Land Evidence Records. Said easements shall allow town access to the site to perform necessary maintenance of the facilities should the owner fail to do so, with the owner being responsible for the cost of such work.

7. An existing fire hydrant on the property must be relocated in order to accommodate the development, and an additional hydrant must be provided on the property, with hydrant locations to be subject to approval of the Fire Department.

8. Approval is subject to the granting of the required special use permit by the Zoning Board of Review to allow for development in Zone 1 of the Watershed Protection District.

9. The applicant must secure required state permits prior to the issuance of building permits.

10. To comply with section 521.1.B of the subdivision and land development regulations the plans shall be revised to provide pedestrian access to the site.

11. To comply with section 521.3.C of the subdivision and land development regulations the landscaping plan shall be revised to provide screening elements along property lines.

Findings:

- The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where

there may be inconsistencies.

- The proposed development is in compliance with the standards and provisions of the Town zoning ordinance, subject to the granting of the required special use permits.
- There will be no significant negative environmental impacts from the proposed development.
- The subdivision will not create lots where physical constraints would make building on the lots impracticable.
- All subdivision lots shall have adequate and permanent physical access to a public street.

Vote: 7-0-0

8. Request of the Zoning Board of Review for an advisory recommendation on an application of Seaview Inn, LLC for a special use permit to allow development within Zone 1 of the Watershed Protection District, as required by section 1106 of the Middletown Zoning Ordinance. Property fronting on Aquidneck Ave, Valley Rd., and John Clarke Rd., Assessor's Plat 115, Lots 1x, 5, 53, 54, 55.

Motion by Mr. Weber, seconded by Ms. Owen, to forward a positive recommendation to the Zoning Board of Review with the following recommended conditions of approval:

- 1. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151).**
- 2. Required maintenance of storm water treatment facilities and sewer lines/tanks shall be performed on an ongoing basis in accordance**

with the storm water management plan and requirements of the Department of Public Works. Prior to issuance of building permits, storm water and sewer maintenance easements, in a form acceptable to the Town Solicitor, shall be recorded in the Land Evidence Records. Said easements shall allow town access to the site to perform necessary maintenance of the facilities should the owner fail to do so, with the owner being responsible for the cost of such work.

3. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality shall be limited.

Vote: 7-0-0.

9. Update on activities of the Aquidneck Island Planning Commission. Mr. Ciummo provided an update on the activities of the Aquidneck Island Planning Commission.

10. Update on BRAC Navy Surplus Land reuse planning process.

Mr. Wolanski stated that the Town of Middletown will continue to work with the Navy to reach agreement on a negotiated sale for the former Navy Lodge parcel.

11. Update on process to complete Comprehensive Plan update.

Mr. Wolanski stated that the subcommittee established to work on the implementation program will continue to meet. The Town Council has approved the hiring VHB to assist with the completion of the implementation program and the public hearing process. The draft implementation program will be presented to the full board once it is completed.

12. Public Hearing - Arleen Kaull on behalf of Corey, Joseph E. U/W of

Nominees/Assigns - Request for combined Master, Preliminary, and Final Plan approval for a proposed 2-lot major subdivision of property fronting on Green End Ave. & an unnamed paper road, Plat 129, Lot 713.

Mr. Miller recused himself from discussion of this item.

Mr. Weber requested that the board consider conducting a site visit prior to opening the public hearing. He would like to view the property before proceeding.

Mr. Marnane stated that a site visit may be appropriate, but the board should proceed with the hearing given the number of people in attendance wishing to speak on the matter.

Mr. Wolanski stated that the board could open the hearing and then continue the matter, keeping the hearing open, in order to conduct a site visit.

Motion by Ms. Owen, seconded by Ms. Cirillo, to open the public hearing. Vote: 7-0-0.

Attorney Jeremiah Lynch represented the applicant. He summarized the purpose of the application and introduced engineer and surveyor Kamal Hingorany.

Mr. Hingorany reviewed the plan, and discussed the need for an alternative septic system design. RIDEM has verified the wetland edge as flagged.

Board members had various questions regarding the plan, which Mr. Hingorany addressed.

Mr. Wolanski stated that in his staff memo to the Board he had identified several items that needed to be added to the plan. All items

have been addressed with the exception of correcting the proposed driveway width.

Mr. Wolanski was asked if the Fire Department had reviewed the proposed access. He stated that the plans had been provided to the fire department but he had not received comments. The fire department will ultimately have to approve the access.

Ms. Lavine asked if there was anyone in the audience wishing to speak.

Ian Mackechnie of 5 Russett Rd. expressed concern about storm water runoff and asked about the number of septic systems that are being proposed.

Mr. Lynch responded that there is one septic system being proposed at this time. Storm water runoff entering the subject property will be addressed as part of the driveway construction.

Mr. Hingorany stated that the plan also includes a drainage easement to address the road runoff entering the site. The existing storm drain located within the road right of way has not been maintained properly.

Kristen Keene of 9 Russett Rd. stated that she is concerned with the impact of the development on the wetland. She questioned the ownership of the paper street, indicating that after a period of time if the road has not been constructed ownership should be transferred to abutters. She questioned whether all abutters had received proper notice of the hearing, since some homes are occupied seasonally. She requested that abutters be given additional time to review the plans before the board decides on the application.

Mr. Lynch stated that the applicant believes, and the town has not contested, the assertion that the paper road is a public right of way.

Mr. Wolanski stated that the road was platted as part of the subdivision for potential future use. The Town has not abandoned the right of way. He also noted that abutters are notified of the public hearing at the mailing address maintained by the tax assessor. All abutters were sent proper notice.

Stephen Travis of 14 Porter Rd. expressed concern about possible future development of the property and impacts on his neighborhood. He stated that the proposed building lot could be access from Green End Ave.

Mr. Lynch stated that there is no further development of the property proposed at this time. Accessing the lot from Green End Ave. would be difficult.

Mr. Weber stated that access from Green End Ave. would be possible. Mr. Desimone of 20 Bartlett Rd. stated that the need for adequate access and the safety of children are his primary concerns.

A resident, Lisella, of 7 Russett Rd. asked why the lot could not be accessed from Green End Ave. There is concern with the potential traffic impacts if the proposed road connects to Green End Ave.

A resident, Williams, of 16 Porter Road, expressed concern over stormwater runoff, and questioned whether it will be adequately addressed.

John Haggis of 21 Bartlett Rd. stated that town road standards differ from what the fire department might require for access. He stated that storm water runoff has to be addressed.

Arthur Weekly of 24 Baldwin Road question why the Board is considering combined master, preliminary and final review.

Mr. Wolanski stated that the applicant is seeking combine review.

Mr. Weekly asked why the proposed building lot could not be accessed from Green End Ave. He noted the wet soils in the area. He stated concern with anticipated sea level rise and the fact that the lot is only 25 feet above sea level. Development in the proposed location is not appropriate.

David Rodrigues of 755 Wapping Road, Portsmouth, stated that he works on the farm that is operated on a portion of the subject property. In order to maintain the farm and retain the pasture area, support is needed through a sale of a portion of the property.

Ms. Cirillo requested clarification of the status of the proposed access to the proposed building lot, which Mr. Hingorany addressed. Access is not via an easement. The only easement is for storm runoff entering the property, which the town requested.

Kristen Keene of 9 Russett Rd. expressed concern about possible future development of the property and the potential for a connection between the paper road and Green End Ave. She also again questioned the ownership of the road right-of-way.

Mr. Lynch stated that his client would be agreeable to adding a condition to the plan that there be no connection between the paper road and Green End Ave.

Bob Amado of 1518 Green End Ave. stated that the area of the proposed building lot is too wet to be developed and requested that the board conduct a site visit.

There being no one else wishing to speak, motion by Mr. Weber, seconded by Mr. Marnane, to continue the matter, leaving the public hearing open, to the Planning Board meeting on May 14, 2014 at 6pm, and to request that the Town Planner schedule a site visit. Vote: 7-0-0. Mr. Wolanski stated to the audience that while the site visit will be posted as a public meeting, no public testimony will be received by the board during the site visit. The next opportunity of public input will be during the May 14th meeting.

13. Consideration of application - Arleen Kaul on behalf of Corey, Joseph E. U/W of Nominees/Assigns - Request for combined Master, Preliminary, and Final Plan approval for a proposed 2-lot major subdivision of property fronting on Green End Ave. & an unnamed paper road, Plat 129, Lot 713.

By consensus this matter was continued to the May 14, 2014 Planning Board meeting.

14. Sergio DoSouto, Request for preliminary subdivision plan approval for a proposed 2-lot subdivision of land located at 1036 Wapping Road, Assessor's Plat 128, Lot 19.

At the request of the applicant, motion by Mr. Marnane, seconded by Ms. Cirillo, to continue this matter to the May 14, 2014 regular Planning Board meeting. Vote: 7-0-0.

Motion to adjourn by Mr. Marnane, seconded by Ms. Owen. Vote: 7-0-0.

Meeting adjourned at 7:30 pm.

Respectfully submitted:

Ronald Wolanski

Planning Director